

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**RICHARD ESPINOZA,
ID #34730-077**

Petitioner

v.

DAVID BERKOBILE,

Respondent.

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Civil Action No. 3:07-CV-0737-B


**ORDER ACCEPTING THE FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

For the reasons stated in the Findings and Recommendation of the Magistrate Judge, the Court GRANTS Petitioner's federal petition for writ of habeas corpus to the extent he seeks to invalidate 28 C.F.R. §§ 570.20 and 570.21 so as to obtain an individualized review of the five factors set out in 18 U.S.C. §3621(b). By June 30, 2008, Respondent, through the BOP, shall consider in good faith whether Petitioner should be transferred to an RRC considering the five factors set out in § 3621(b) as they relate individually to Petitioner without regard to the invalidated regulations. The Court otherwise DENIES the instant federal writ of habeas corpus. By separate document, the Court will enter judgment consistent with this Order and the Findings and Recommendation of the Magistrate Judge.

SO ORDERED.

Dated: June 13, 2008.



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE